

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 2, 2008. Claims 1 to 4, 6 to 10, 12, 13 and 32 remain pending in the application, with Claims 5 and 11 having been cancelled herein. Claims 1, 7, 13 and 32 are the independent claims herein. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 7 to 12 were rejected under 35 U.S.C. § 101. The rejections are traversed. In this regard, it is noted that the claimed method is tied to a machine (i.e., an image forming apparatus) and also results in a transformation of the license information installed in the image forming apparatus. Thus, the claims fully comply with § 101. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1 to 13 and 32 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 7,222,104 (Tadayon) in view of Microsoft Windows Installer, and Claims 4 and 10 were alternately rejected under § 103(a) over Tadayon in view of Microsoft and further in view of Official Notice. Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention according to Claim 1 concerns an image forming apparatus acquiring and installing license information to increase an amount of allowable usage of a program. According to the invention, a management unit manages license information, indicating an allowed amount of usage of a program, that has already been installed, together with license identification information corresponding to license information, by using a counter. The image forming acquires license identification information identifying license information, device identification information and license

information indicating an amount of a change in a right of usage of the program. A determination is then made whether the acquired license identification information is included in the license information managed by the management unit, and it is also recognized whether the acquired device identification information corresponds to the device identification information of the image forming apparatus. If the license identification information is not included in the management unit, and if the acquired device identification information is recognized as corresponding to the device identification information of the image forming apparatus, then the acquired license information is installed to increase the amount of allowed usage of the program by operating the counter. On the other hand, if either the license information is included in the management unit, or the device identification information does not correspond to the image forming apparatus, then the acquired license information is not installed.

Claims 7, 13 and 32 are method, computer medium, and apparatus (in non-means-plus-function format) that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1, 7, 13 and 32, and in particular, is not seen to disclose or to suggest at least the features of an image forming apparatus i) managing (a) license information that has already been installed in the image forming apparatus, the license information indicating an amount of allowed usage of a program executable on the image forming apparatus or a function of the image forming apparatus, and (b) license identification information corresponding to the license information, wherein the management means manages the license information by using a counter, ii) determining whether acquired license identification information corresponding to acquired license

information is included in the license identification information managed by the management unit, and recognizing whether acquired device identification information corresponds to device identification information of the image forming apparatus, and iii) if it is determined that the acquired license identification information corresponding to the acquired license information is not included in the license identification information managed by the management unit, and if it is recognized that the acquired device identification information corresponds to the device identification information of the image forming apparatus, installing the acquired license information to increase the amount of allowed usage of the program by operating the counter, and not installing the acquired license information if it is determined that the acquired license identification information corresponding to the acquired license information is included in the license identification information managed by the management means or if it is recognized that the acquired device identification information does not correspond to the device identification information of the image forming apparatus.

Tadayon discloses a system for transferring digital works from one user to another, in which the server manages usage rights information as a flag and in which usage rights can be transferred for digital works. Thus, Tadayon merely provides the ability for a user to use digital content based on usage rights for each user, and the user can transfer the usage rights for the digital content to another user. However, as rightly admitted in the Office Action, Tadayon does not disclose or suggest the determination means/unit/step or the installation means/unit/step of the claimed invention. It is also submitted that Tadayon fails to teach the claimed management unit which manages the license information by using a counter, and the claimed recognition means/unit/step.

Microsoft merely teaches that, after a user has merged disk drives, they encountered a problem with MS Office 2000 in that it won't run anymore. The user apparently attempted to reinstall it, but disk 1 gave the user an error message indicating that another version is already installed. The Microsoft helpdesk informed the user that, to install the MS Office 2000 program, the user needed to use the Windows Add/Remove Programs on the Control Panel to remove the installed version of MS Office, and then the installation could be installed. While not disclosed in Microsoft, it is noted that it is common knowledge that when a later version of an MS program is already installed, an attempt to install an earlier version generally results in an error. As best, it may be deduced that the Windows installer, when a user attempts to install a program, determines whether the program is already installed, and if so, what version of the program is installed. If the user is installing a later version of the same program (e.g., MS Office 2000 is already installed, but the user is installing MS Office 2007), the program generally permits the user to upgrade the software accordingly with the later version installation. The opposite remains true in that, if a later version is already installed and the user is attempting to install an earlier version, installation will not be allowed and the user must remove the earlier version of the program first. Therefore, the determination is not necessarily to avoid duplicate installation of the programs, but rather, to prevent overwriting a later version with an earlier version of the program. Moreover, the determination is not version information stored in Windows is not license information that is managed by a counter as in the present invention. Further, when a later version of the MS program is permitted to be installed, Microsoft does not install the acquired license information by increasing the counter. Even further, in determining whether or not to install the MS program, Microsoft

does not take into consideration whether the device information acquired with the license information corresponds to the device onto which the MS program is being installed.

Therefore, Microsoft fails to add anything that, when combined with Tadayon, would have resulted in the features of an image forming apparatus i) managing (a) license information that has already been installed in the image forming apparatus, the license information indicating an amount of allowed usage of a program executable on the image forming apparatus or a function of the image forming apparatus, and (b) license identification information corresponding to the license information, wherein the management means manages the license information by using a counter, ii) determining whether acquired license identification information corresponding to acquired license information is included in the license identification information managed by the management unit, and recognizing whether acquired device identification information corresponds to device identification information of the image forming apparatus, and iii) if it is determined that the acquired license identification information corresponding to the acquired license information is not included in the license identification information managed by the management unit, and if it is recognized that the acquired device identification information corresponds to the device identification information of the image forming apparatus, installing the acquired license information to increase the amount of allowed usage of the program by operating the counter, and not installing the acquired license information if it is determined that the acquired license identification information corresponding to the acquired license information is included in the license identification information managed by the management means or if it is recognized that the acquired device identification information

does not correspond to the device identification information of the image forming apparatus.

The Official Notice taken in the Office Action is merely regarding a public key system. However, the allegedly Official Notice does nothing to make up for the deficiencies of Tadayon and Microsoft.

In view of the foregoing amendments and deficiencies of the applied art, independent Claims 1, 7, 13 and 32, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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